

REMARKS

In the foregoing amendments, claims 74, 77, 81, 89, 91, and 92 have been amended. These amendments have been made to conform to Examiner's suggestions, to correct minor informalities, and to better define the aspects of the present application. Claims 74-95 remain pending in the present application. Reconsideration and allowance of the pending claims, as amended, are respectfully requested.

I. Telephone Interview

Applicants wish to thank the Examiner for conducting a telephone interview with Applicants' representative on September 12, 2006. In particular, claim 74 of the present application was discussed with respect to the *Goode et al.* reference. Also, the Examiner clarified the interpretation of both the *Goode et al.* reference and claim 74 as applied in the Final Office Action. No agreements were reached during the interview. However, it is believed that the amendments and arguments herein address the issues as discussed and are believed to place the present application in condition for allowance.

II. Priority

The Office Action seems to indicate that the provisional application, upon which the present application claims the benefit of an earlier filing date, allegedly fails to provide adequate support or enablement for one or more claims of the present application. Applicants are not addressing the validity of the statements or assertions made in the Office Action regarding priority. Therefore, Applicants should be not presumed to agree with any statements or assertions made in the Office Action in this respect.

III. Objection to Claims

The Office Action objected to claims 74, 81, and 89 for grammatical and antecedent issues. In response to Examiner's suggestions, claims 74 and 89 have been amended to include "responsive to determining that" for clarification of the claim. With respect to claim 81, the claim has been amended to clarify that the "second" VOD presentation is unblocked.

IV. Claim Rejections under 35 U.S.C. §103

Claims 74-79 and 89-92 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Goode et al.* (U.S. Patent No. 6,166,730) in view of *Dunn et al.* (U.S. Patent No. 5,721,829), and further in view of *Swix et al.* (U.S. Patent No. 6,609,253). Also, claims 80-88 and 93-95 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Goode et al.* in view of *Dunn et al.* and *Swix et al.*, and further in view of *Casement et al.* (U.S. Patent No. 5,969,748). Applicants respectfully traverse these rejections on the grounds that the cited references, taken alone or in combination, fail to teach or suggest each and every feature of the claims, as discussed below.

A. Claims 74-88

Independent claim 74 is reproduced below:

74. A method comprising:

responsive to a digital home communication terminal (DHCT) experiencing a reboot condition, determining if at least one video-on-demand (VOD) rental has been purchased and has not expired;

responsive to determining that at least one VOD rental has been purchased and has not expired, determining whether a previously established VOD session for a first VOD presentation is still active;

responsive to determining that the previously established VOD session for the first VOD presentation is still active, providing a VOD current rental screen that includes a selectable option to view the first VOD presentation, the VOD current rental screen having a VOD title of the first VOD presentation, information on the length of time remaining on the VOD title, and information on the rental time duration remaining for viewing the VOD title;

responsive to determining that the at least one VOD rental has been purchased and has not expired and responsive to determining that the previously established VOD session for the first VOD presentation is no longer active, establishing another active VOD session for the first VOD presentation and providing the VOD current rental screen; and

responsive to determining that at least one VOD rental has not been purchased or has expired, providing a list of selectable VOD titles.

In particular, claim 74, as amended, includes several actions (“determining”, “providing”, and “establishing”) that are “responsive” to certain conditions. Essentially, the method claim has a particular flow that is neither taught nor suggested by the combination of references.

For example, claim 74, as amended, recites ***responsive to a digital home communication terminal (DHCT) experiencing a reboot condition, determining if at least one video-on-demand (VOD) rental has been purchased and has not expired***. Applicants contend that the cited references fail to teach or suggest making such a determination when a DHCT experiences a reboot condition. Also, the claim includes ***responsive to determining that at least one VOD rental has been purchased and has not expired, determining whether a previously established VOD session for a first VOD presentation is still active***. The Office Action suggests that Goode et al. (particularly FIG. 11 and col. 17, line 55 through col. 18, line 33) discloses determining if at least one current rental exists. Applicants respectfully assert that the Goode et al. reference, and particularly the noted paragraphs, fails to teach or suggest this determination when at least one VOD rental has been purchased and has not expired. Instead, Goode et al. appears to disclose the user’s selection of an active program/saved movies screen. Applicants assert that a user’s selection of an active movies screen is not the same as ***determining*** whether a VOD session is still active ***responsive to*** the VOD rental status.

Even assuming, for the sake of argument, that Goode et al. discloses the aspect of determining if a VOD rental has been purchased and has not expired, it is clear that Goode et al. does not further perform any action ***responsive to determining that at least one VOD rental has been purchased and has not expired*** as claimed, especially the action of ***determining whether a previously established video-on-demand (VOD) session for a first VOD presentation is still active***. With respect to determining whether a previously established VOD session is still active, the Office Action does not appear to address this feature. Applicants contend that the other cited references, taken alone or in combination, fail to teach or suggest the claimed feature of determining whether a previously established VOD session is still active.

Claim 74 further includes ***responsive to determining that the previously established VOD session for the first VOD presentation is still active, providing a VOD current rental screen that includes a selectable option to view the first VOD presentation***. The Office Action seems to suggest that Goode et al. (particularly col. 15, line 42 through col. 16, line 26; col. 17, line 55 through col. 18, line 33) discloses this feature. These noted passages of Goode et al.

appear to correspond to the description of FIGS. 8 and 11. These figures, and descriptions thereof, fail to include an action *responsive to determining that the previously established VOD session for the first VOD presentation is still active* as claimed. Instead, FIG. 8 appears to teach a session control manager (SCM) starting a count down timer when a movie starts and stopping the timing when the movie stops. The SCM also sends session information to a network management system (NMS). With respect to FIG. 11, a user apparently selects a screen and the SCM determines open sessions, removing specific open sessions that are in use by other STBs. However, *Goode et al.* is silent with respect to the claimed feature of providing a VOD current rental screen responsive to determining that the previously established VOD session is still active, which is claimed in claim 74. The other cited references, individually or in combination, fail to overcome the deficiencies of *Goode et al.* in this respect.

For at least the reason that the cited references, taken alone or in combination, fail to teach or suggest every claim feature of claim 74, Applicants assert that this claim is allowable over the cited references. In addition, claims 75-88 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 74.

B. Claims 89-95

Independent claim 89 is reproduced below:

89. A digital home communication terminal (DHCT) comprising:
- memory; and
 - program code stored in said memory, wherein, when the DHCT experiences a reboot condition, the program code is configured to enable the DHCT to:
 - determine if at least one video-on-demand (VOD) rental has been purchased and has not expired,
 - responsive to determining that at least one VOD rental has been purchased and has not expired, determine whether a previously established VOD session for a first VOD presentation is still active,
 - responsive to determining that the previously established VOD session for the first VOD presentation is still active, provide a VOD current rental screen that includes a selectable option to view the first VOD presentation, the VOD current rental screen having a VOD title of the first VOD presentation, information on the length of time

remaining on the VOD title, and information on the rental time duration remaining for viewing the VOD title,

responsive to determining that the at least one VOD rental has been purchased and has not expired and responsive to determining that the previously established VOD session for the first VOD presentation is no longer active, establish another active VOD session for the first VOD presentation and provide the VOD current rental screen, and responsive to determining that at least one VOD rental has not been purchased or has expired, provide a list of selectable VOD titles.

In particular, claim 89, as amended, is directed to a digital home communication terminal (DHCT) having memory and program code. The program code is configured to enable the DHCT to perform several actions (“determine”, “provide”, and “establish”) that are “responsive” to certain conditions. Essentially, the program code includes a particular conditional flow that is neither taught nor suggested by the combination of references.

Claim 89 recites a DHCT having program code stored in memory, wherein, *when the DHCT experiences a reboot condition*, the program code is configured to enable the DHCT to *determine if at least one video-on-demand (VOD) rental has been purchased and has not expired*. The Office Action suggests that *Goode et al.* (particularly FIG. 11 and col. 17, line 55 through col. 18, line 33) discloses determining if at least one current rental exists. Applicants respectfully assert that the *Goode et al.* reference, and particularly the noted paragraphs, fails to teach or suggest making this determining when the DHCT experiences a reboot condition, as claimed. Instead, *Goode et al.* appears to disclose the user’s selection of an active program/saved movies screen. It is believed that the user’s selection is not the same as a DHCT being enabled to *determine if at least one video-on-demand (VOD) rental has been purchased and has not expired*. Even assuming, for the sake of argument, that *Goode et al.* discloses the aspect of determining if (VOD) rental has been purchased and has not expired, it is clear that *Goode et al.* does not further enable a DHCT to perform any action *responsive to* this determination, as claimed, especially the action of *determin[ing] whether a previously established video-on-demand (VOD) session for a first VOD presentation is still active*. With respect to determining whether a previously established VOD session is still active, the Office Action does not appear to address this feature. Applicants contend that the other cited

references, taken alone or in combination, fail to teach or suggest the claimed feature of determining whether a previously established VOD session is still active.

Claim 89 further recites enabling the DHCT to, ***responsive to determining that the previously established VOD session for the first VOD presentation is still active, provide a VOD current rental screen that includes a selectable option to view the first VOD presentation***. The Office Action seems to suggest that *Goode et al.* (particularly col. 15, line 42 through col. 16, line 26; col. 17, line 55 through col. 18, line 33) discloses this feature. These noted passages of *Goode et al.* appear to correspond to the description of FIGS. 8 and 11. These figures, and descriptions thereof, fail to include an action ***responsive to determining that the previously established VOD session for the first VOD presentation is still active*** as claimed. Instead, FIG. 8 appears to teach a session control manager (SCM) starting a count down timer when a movie starts and stopping the timing when the movie stops. The SCM also sends session information to a network management system (NMS). With respect to FIG. 11, a user apparently selects a screen and the SCM determines open sessions, removing specific open sessions that are in use by other STBs. However, *Goode et al.* is silent with respect to the claimed feature of providing a VOD current rental screen responsive to determining that the previously established VOD session is still active, which is claimed in claim 89. The other cited references, individually or in combination, fail to overcome the deficiencies of *Goode et al.* in this respect.

For at least the reason that the cited references, taken alone or in combination, fail to teach or suggest every claim feature of claim 89, Applicants assert that this claim is allowable over the cited references. In addition, claims 90-95 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 89.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

/jrk/

**Jeffrey R Kuester, Reg. No. 34,367
Attorney for Applicant**

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway, NW
Atlanta, GA 30339
Ph: (770) 933-9500
Fax: (770) 951-0933